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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,784	08/06/2003	Makoto Kawaguchi	240886US3	7644

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C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KOEHLER, CHRISTOPHER M

ART UNIT PAPER NUMBER

3726

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,784	Applicant(s) KAWAGUCHI ET AL.	
	Examiner Christopher M. Koehler	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-23 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14, 15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 13 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8, 11, 14, 15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Snyder (US Patent No. 1,408,039).

Claim 1:

Snyder teaches a device for inserting a good into a stretchable medium comprising, an adaptor (b, figures 1-7) configured to support the stretchable medium (g) from an inside of the medium and having an opening into which the good (f) is inserted when attaching the medium on the good, an adaptor support member (a) configured to support the lower portion of the adaptor and having an opening into which the good is inserted when attaching the stretchable medium on the good, and an adaptor fixing member (bolts/rivets) configured to fix the lower portion of the adaptor together with the adaptor support member. Snyder further teaches that the surface of the adaptor support member contacting the adaptor has a projected portion and a recessed portion (the square area is the surface which contacts the adaptor on the bottom of the adaptor support member where the adaptor is fastened). In figure 1 one can clearly see that the support member is projected away from the adaptor at the corners of the support member and recessed toward the adaptor at the midpoint between the corners of the

Art Unit: 3726

support member. This is due to the round adaptor centered in the square support member.

Claim 2:

Snyder teaches that the adaptor fixing members and the adaptor support member are engaged with each other with the adaptor therebetween.

Claim 3:

Snyder teaches the adapter fixing member and the adaptor support member fixedly support the adaptor while contacting at least one point of the adaptor.

Claim 5:

Snyder teaches a length of the portion of the adaptor extending from the adaptor fixing member of Snyder is inherently capable of being shorter than the length of the stretchable medium. Snyder never limits the size of the stretchable medium and the apparatus is capable of performing the same function on a stretchable medium of varying sizes.

Claim 6:

Snyder teaches that the top of the adaptor is tapered.

Claim 7:

Snyder teaches that the adaptor has a notch (space between elements b) extending from the top to the bottom.

Claim 8:

Art Unit: 3726

Snyder teaches that the notch is formed such that an extension of the notch is perpendicular to a tangent line at a point of the bottom of the adaptor at which the extension of the notch meets the bottom of the adaptor.

Claim 10:

Snyder teaches that the notch extends so as to meet the adaptor fixing member when the adaptor is fixed by the adaptor fixing member and the adaptor support member.

Claim 11:

Snyder teaches that the adaptor is elastic (i.e. can be stretched without permanent deformation) and has at least one of an extending/contracting property.

Claim 14:

Snyder teaches that the good is inserted into the stretchable medium attaching device through the openings of the adaptor support member and the adaptor to an extent such that a bottom of the good (c) is level with the bottom of the adaptor support member and the stretchable medium occupies a predetermined attaching position of the good.

Claim 15:

Snyder teaches that the outer surface of the adaptor has a slipping property higher than that of an inner surface of the stretchable medium.

Claim 18:

The adaptor support member of Snyder like all materials is configured to slide. Whether the slidability is that substances slide easily or with great difficulty is irrelevant, i.e. both sandpaper and ice have a slidability.

3. Claims 1, 5, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (US Patent No. 2,038,840).

Claim 1:

Hall teaches a device for inserting a good into a stretchable medium comprising, an adaptor (7, figure 8; 10, figure 9) configured to support the stretchable medium (8 figure 2) from an inside of the medium and having an opening into which the good (15 figure 4) is inserted when attaching the medium on the good, an adaptor support member (6) configured to support the lower portion of the adapter and having an opening into which the good is inserted when attaching the stretchable medium on the good, and an adaptor fixing member (6a) configured to fix the lower portion of the adapter together with the adaptor support member.

Claim 5:

Hall teaches that the stretchable medium is longer than the length of the adaptor extending from the adaptor fixing member.

Claim 7:

Hall teaches that the adaptor has a notch extending from the top toward the bottom (space between members 7, 10).

Claim 9:

Hall teaches that the tips of the adaptor (10) are curled inwardly.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong (US Patent No. 1,488,901) in view of Hall.

Claim 1:

Regarding claim 1, Armstrong teaches a device for inserting a good into a stretchable medium comprising, an adaptor (1) configured to support the stretchable medium (G) from an inside of the medium and having an opening into which the good (S) is inserted when attaching the medium on the good, an adaptor support member (B) configured to support the lower portion of the adaptor, and an adaptor fixing member (4) configured to fix the lower portion of the adapter together with the adaptor support member. Armstrong does not teach that the adaptor support member has an opening through which the good is inserted into the stretchable medium. Hall teaches a device for inserting a good into a stretchable medium with similar structure to that of Armstrong with the exception that Hall teaches an opening in the adaptor support member through which the good is inserted into the adaptor. It would have been obvious to one of ordinary skill in the art at the time of invention to apply the opening teaching of Hall to the device of Armstrong in order to more easily and accurately place the good into the stretchable medium.

Art Unit: 3726

Claim 17:

Armstrong teaches that an inner surface of the adaptor support member has a projected portion and a recessed portion (figure 9).

6. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Pilling et al (US Patent No. 6,049,960).

Claim 12:

Hall teaches the structure above but does not teach that the adaptor is polyethylene terephthalate film of 10-200 micrometers. Pilling teaches a device for inserting a good into a stretchable medium comprising a base (1) and adaptor members (2) and that the members are made of polyethylene of sufficient thickness (claim 9). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the plastic composition of the adaptor in Pilling to the adaptor of Hall in order to make the adaptor more flexible, more cost effective, and easier to produce.

Claim 19:

Hall teaches the structure above but does not teach that the adaptor support member is polyethylene. Pilling teaches a device for inserting a good into a stretchable medium comprising a base (1) and adaptor members (2) and that the members and the base are made of polyethylene of sufficient thickness (claim 9). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the plastic composition of the adaptor in Pilling to the adaptor of Hall in order to make the adaptor more flexible, more cost effective, and easier to produce.

Art Unit: 3726

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder.

The examiner takes official notice that it was well known in the art of manufacturing at the time of invention to utilize counting devices to track the amount of products made without the need for the operator to keep track. Counting devices, in this way, allow the operators to focus on the machine as well as the quality of the product as manufacturing takes place.

Allowable Subject Matter

8. Claims 13 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Statements for reasons for indicating allowable subject matter can be found in the previous office action.

Response to Arguments

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed June 16, 2006 have been fully considered but they are not persuasive. As explained in the rejection of claim 1 above, the arguments considering claim 4 have been considered however the surface of the adaptor support member contacting the adapter has a projected portion and a recessed portion (the square area is the surface which contacts the adaptor on the bottom of the adaptor support member where the adaptor is fastened). In figure 1 one can clearly see that the

support member is projected away from the adaptor at the corners of the support member and recessed toward the adaptor at the midpoint between the corners of the support member. This is due to the round adaptor centered in the square support member.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK

A handwritten signature in black ink, appearing to read 'David Bryant', with a stylized, flowing script.

DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER